



## ***City of Gaithersburg***

31 South Summit Avenue  
Gaithersburg, Maryland 20877

### Mayor and City Council Regular Session Minutes City Hall - Council Chambers Monday, July 1, 2013

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A Mayor and City Council Regular Session was called to order with Mayor Katz presiding. Council Members present: Jud Ashman, Cathy Drzyzgula, Henry F. Marraffa, Michael Sesma, and Ryan Spiegel. Staff present: City Manager Tomasello, City Attorney Board, Economic Development Director Loneragan, Director of Planning and Code Administration Schlichting, Director of Community and Public Relations Monaco, Lead Planner Robinson, Community Planning Director Schwarz, Planner Seiden, and Municipal Clerk Stokes. Planning Commission present: Bauer, Hopkins, Kaufman, Lanier and Winborne.

#### **I. CALL TO ORDER**

The session was called to order at 7:30 p.m.

#### **II. PLEDGE OF ALLEGIANCE**

The Pledge was led by Board of Appeals member Richard Knoebel.

#### **III. INVOCATION**

In lieu of an invocation, Mayor Katz called for a moment of silence.

#### **IV. APPROVAL OF MINUTES**

##### **A. Regular Session held November 5, 2012**

Motion was made by Jud Ashman, seconded by Henry F. Marraffa, that the minutes of the Regular Session held November 5, 2012, be approved.

Vote: 5-0

##### **B. Regular Session held June 3, 2013**

Motion was made by Cathy Drzyzgula, seconded by Michael Sesma, that the minutes of a Regular Session held June 3, 2013, be approved.

Vote: 5-0

C. [Work Session held June 10, 2013](#)

Motion was made by Ryan Spiegel, seconded by Henry F. Marraffa, that the minutes of the Work Session held June 10, 2013, be approved.

Vote: 5-0

D. [Regular Session held June 17, 2013](#)

Motion was made by Henry F. Marraffa, seconded by Cathy Drzyzgula, that the minutes of the Regular Session held June 17, 2013, be approved.

Vote: 5-0

V. [APPOINTMENTS](#)

A. [Resolution of the City Council Confirming Reappointments by the Mayor to the Planning Commission](#)

This resolution confirmed the following reappointments to the Planning Commission: Matthew Hopkins, 106 Fairgrove Terrace, Gaithersburg, Maryland 20877 and Danielle Winborne, 137 Apple Blossom Way, Gaithersburg, Maryland 20878, five-year terms.

Motion was made by Jud Ashman, seconded by Ryan Spiegel, that a Resolution of the City Council Confirming Reappointments by the Mayor to the Planning Commission (Resolution No. R-46-13), be approved.

Vote: 5-0

VI. [OATH OF OFFICE](#)

A. [Oath of Office to Planning Commission Members](#)

Mayor Katz administered the oath of office to Matthew Hopkins and Danielle Winborne to executive the office of Planning Commissioner, according to the United States and Maryland Constitutions, the Laws of this State and the Gaithersburg City Charter and Code.

VII. [PUBLIC COMMENTS](#)

There were no speakers from the public.

**VIII. JOINT PUBLIC HEARING****A. Z-2730-2013 Summit Rezoning:**

**The applicant requests to rezone 8.42 acres of land from the I-3 (Industrial and Office Park) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 (Map Amendments) of the City Code and the Sixth Amendment to the X-129 Annexation Agreement.**

Lead Planner Robinson presented the above zoning map amendment application. The plan, in accordance with the approved and amended X-129 annexation agreement and associated Sketch Plan, proposes to rezone 8.42 acres of land from the I-3 (Industrial and Office Park) Zone to the MXD (Mixed Use Development) Zone, the subject property is located at 101 Orchard Ridge Drive within the MedImmune campus. The application was submitted in accordance with Section 8 of the approved Sixth Amendment to the X-129 Annexation Agreement. The application was advertised in the June 12 and 19, 2013 issues of the Gazette.

Julie Gardner, from MedImmune Government Affairs, stated MedImmune is requesting that the Summit Parcel of the Quince Orchard Business Park be rezoned from the I-3 Zone to the MXD Zone. The City found that MXD zoning is in conformance with the Master Plan, that the MXD zoning is an appropriate zoning classification for the property and the bubble concept included in the Sixth Amendment is an approved sketch plan as required for rezoning. Informed the Mayor and City Council that no construction is planned but in the future it will follow the necessary public hearing and review requirements. She noted that MedImmune did notify the public of the rezoning application through community outreach on May 29, 2013.

There were no speakers from the public.

Motion was made by Lloyd Kaufman, seconded by, Matthew Hopkins, that the Planning Commission record on Z-2730-2013 Summit Rezoning: The applicant requests to rezone 8.42 acres of land from the I-3 (Industrial and Office Park) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 (Map Amendments) of the City Code and the Sixth Amendment to the X-129 Annexation Agreement, remain open until 5 p.m. on Monday, July 15, 2013.

Vote: 5-0

Motion was made by Henry F. Marraffa, seconded by, Michael Sesma, that the City Council record on Z-2730-2013 Summit Rezoning: The applicant requests to rezone 8.42 acres of land from the I-3 (Industrial and Office Park) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 (Map Amendments) of the City Code and the Sixth Amendment to the X-129 Annexation Agreement, remain open until 5 p.m. on Thursday, July 31, 2013.

Vote: 5-0

B. [Ordinance to Amend Chapter 24 \(City Zoning Ordinance\), Sections in Article I, Entitled "In General," Article III, Entitled, Regulations Applicable to Particular Zones," Article IV, Entitled, "Supplementary Zone Regulations," and Article VII, Entitled, "Board of Appeals," so as to Update, Correct, and/or Clarify Text and Procedures Related to Applications to the Board of Appeals.](#)

Planner Seiden presented the above text amendments. The Board of Appeals (BOA) identified multiple housekeeping and more substantial text amendments that would enable the Board to review special exception, variance and administrative review petitions with more precision. The BOA met over several work sessions to identify and propose revisions to Section 24-1 (Definitions) and Article VII, Board of Appeals. Additionally, a considerable number of housekeeping issues related to an improper section reference to the telecommunications ordinance were also proposed throughout Chapter 24. The Mayor and City Council voted to sponsor the text amendment at its May 20, 2013 regular meeting. The hearing was duly advertised in the June 5 and 12, 2013 issues of the Gazette and posted on the City's website. Currently there are eight exhibits in the record file. Planner Seiden reviewed the proposed text amendments.

Harvey Kaye, Board of Appeals Chair, expressed the Boards support for the amendments to the City Code and the Boards Rules and Procedures. Stated that the goals of these text amendments were to make the process more transparent and to eliminate unnecessary points of conflict between the BOAs Rules and Procedures and the City Code that could slow down or even stop the public hearing process.

There were no speakers from the public.

Council Member Drzyzgula questioned the rehearing and reconsideration processes in the ordinance and whether it would it make sense to do that for the other City boards eventually.

City Attorney Board responded that the issue had come and staff is looking into making these changes with other City boards.

Motion was made by Lloyd Kaufman, seconded by, Geri Lanier, that the Planning Commission record on Ordinance to Amend Chapter 24 (City Zoning Ordinance), Sections in Article I, Entitled "In General," Article III, Entitled, Regulations Applicable to Particular Zones," Article IV, Entitled, "Supplementary Zone Regulations," and Article VII, Entitled, "Board of Appeals," so as to Update, Correct, and/or Clarify Text and Procedures Related to Applications to the Board of Appeals, remain open until 5 p.m. on Friday, July 26, 2013.

Vote: 5-0

Motion was made by Cathy Drzyzgula, seconded by, Ryan Spiegel, that the City Council record on Ordinance to Amend Chapter 24 (City Zoning Ordinance), Sections in Article I, Entitled "In General," Article III, Entitled, Regulations Applicable to Particular Zones," Article IV, Entitled, "Supplementary Zone Regulations," and Article VII, Entitled, "Board of Appeals, " so as to Update, Correct, and/or Clarify Text and Procedures Related to Applications to the Board of Appeals, remain open until 5 p.m. on Thursday, August 8, 2013.

Vote: 5-0

**IX. PUBLIC HEARING**

**A. Ordinance to Amend Chapter 16 of the City Code, Entitled "Peddlers, Hawkers and Solicitors," so as to Amend Section 16-6 Entitled "Same-Revocation"**

Planner Seiden presented the above ordinance for public hearing. The purpose of the above ordinance is to ensure the proper process for an administrative review is referenced. The proposed ordinance was introduced at the May 20, 2013 Mayor and City Council regular meeting and advertised June 5, 2013 on the City's website. There are currently five exhibits in the record file.

There were no speakers from the public.

Motion was made by Jud Ashman, seconded by, Cathy Drzyzgula, that the City Council record on Ordinance to Amend Chapter 16 of the City Code, Entitled "Peddlers, Hawkers and Solicitors," so as to Amend Section 16-6 Entitled "Same-Revocation", remain open until 5 p.m. on Thursday, August 8, 2013

Vote: 5-0

**X. FROM THE MAYOR AND CITY COUNCIL**

**A. Announcements**

**Henry Marraffa**

1. Attended the Maryland Municipal League Conference. Stated questions will be drafted on the state's stormwater management issues.
2. Attended the recently National League of Cities (NLC). The Economic Development Committee discussed two major issues which were Community Block Grant funds and deep water harbor management including cargo ships and the possible impact on Gaithersburg indirectly via traffic on trains, bridges and tunnels in 2015. The Advisory Board discussed membership and the identity of the NLC due to the lack of issues addressed with Congress. Spoke on the immigration bill.
3. Attended several City outdoor events.
4. Announced that a closed meeting was held at City Hall by the Mayor and City Council on Monday, June 17, 2013, at approximately 8:45 p.m., pursuant to a motion adopted unanimously. The meeting was proposed to

be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. The topic discussed was the funding and relocation of an establishment and/or expansion of a local business. Present at the meeting were Mayor Katz, Council Members Ashman, Drzyzgula, Marraffa, Sesma and Spiegel, City Manager Tomasello and City Attorney Board. Upon conclusion of the discussion, the closed meeting was adjourned at approximately 9:00 p.m.

#### Ryan Spiegel

1. Congratulated the reappointed Planning Commission members.
2. Announced that a member is being sought to fill a vacancy on the Animal Control Board; one (1) Alternate Veterinarian position. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: [cityhall@gaitthersburgmd.gov](mailto:cityhall@gaitthersburgmd.gov). These positions will remain open until filled. For more information visit the City's web site or contact Animal Control Director Lisa Holland at 301-258-6343.
3. Echoed the success of the MML Annual Conference in Ocean City, Maryland. Attended a few economic development workshops on how to revitalize main streets in medium and smaller sized cities and towns. Ideas were exchanged between the municipalities in hope of implementing.
4. Attended an event on June 20th, sponsored by an organization called BizNow, to hear about innovative developments in and around Gaithersburg, particularly the Crown and Watkins Mill developments. Several hundred attended the event and Planning and Code Administration Director Schlichting was a scheduled speaker.
5. Stated that he was looking forward to the 4th of July celebrations.
6. Mentioned that the Montgomery County Office of Legislative Oversight (OLO) issued a final report on how to modernize the system of tax reimbursement to municipalities within Montgomery County. Gaithersburg is advocating to address and correct the tax duplication issue. Montgomery County Council Government Operations Committee will host a session to discuss the OLO's recommendation on July 8th.
7. Thanked all those that serve or have served in the armed forces.

#### Jud Ashman

1. Announced that a member is being sought to fill a vacancy on the Personnel Review Board. The incumbent Board member has requested reappointment. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: [cityhall@gaitthersburgmd.gov](mailto:cityhall@gaitthersburgmd.gov). This position will remain open until July 19, 2013. For more information visit the City's web site at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov) or contact City Attorney Lynn Board at 301-258-6310.
2. Announced that the Mayor and City Council are seeking members to serve on various City committees.

**Cathy Drzyzgula**

1. Joined the City's Environmental Affairs Committee to the resource recovery facility and the composting facility in Dickerson, Maryland. Educated about soil and learned that the designated landfill site in Montgomery County is not being used.
2. Attended the Kentlands Community Foundation annual meeting and K25 event.
3. Mentioned that representatives from the City of Hagerstown visited Gaithersburg to discuss the City's Character Counts! Program.
4. Attended a meeting for accounting for growth for the Chesapeake Bay pollution reduction policy.
5. Attended the MML Conference. Enjoyed many roundtable discussions and safety trainings. Sage consultant for the 355 Corridor Study, Anirban Basu, was a speaker on Maryland's economy. Spoke on bill proposing legislation for tax duplication. The bill is proposing that residents of a municipality can't be charged for services that would normally be provided by the county. Jurisdictions will address and submit Legislative Action Requests.
6. Announced that the City will celebrate Independence Day on Thursday, July 4th at the Montgomery County Fairgrounds. Gates open at 5 p.m. A lively concert with "Elizabeth Phil & Chris" starts at 5:30 p.m. Headliner "The Lloyd Dobler Effect" takes the stage at 7 p.m. The spectacular fireworks display launches at dusk. In the event of rain, the fireworks only will be held on July 5th. Residents were encouraged to enjoy the free outdoor entertainment and activities all summer long in at the City Hall Concert Pavilion. Visit the City's website for all the upcoming events and activities for the month of July 2013.

**Michael Sesma**

1. Announced that members are being sought to fill three (3) vacancies on the Commission of Landlord-Tenant Affairs, one (1) full time Landlord Representative, one (1) full time Tenant Representative and one (1) Alternate Tenant. All applicants must reside within the corporate City limits. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: [cityhall@gaithersburgmd.gov](mailto:cityhall@gaithersburgmd.gov). These positions will remain open until filled. For more information visit the City's website or contact Neighborhood Services Director Kevin Roman at 301-258-6340.
2. Offered condolences to the families and co-workers in Prescott, Arizona for the loss of 19 firefighters.
3. Announced that Mayor Katz was re-elected for another term on the MML Board of Directors.
4. Attend the NLC Summer Policy Forum Board of Directors meeting. The three highest legislative priorities were the Marketplace Fairness Act, the comprehensive immigration reform and renewing the tax exemptions on municipal bonds. Many committees attending the policy forum discussed some of the major issues including climate change adaptation and resiliency to extreme weather.
5. Attended the Kentlands Community Foundation's annual meeting. Announced that O'Donnell's will be closing in July. The owner was recognized during the meeting and received the John Schlichting award.

6. Wished everyone a happy 4th of July.

#### **Mayor Katz**

1. Announced that the Mayor and City Council will not conduct a work session on Monday, July 8, 2013 due to the observance of the 4th of July Holiday Weekend.
2. Announced that the next regular meeting of the Mayor and City Council will be held on Monday, July 15, 2013, 7:30 p.m., at City Hall.

#### **XI. FROM THE CITY MANAGER**

1. Announced that due to transistioning at the county level, the City's Animal Control Staff will be using a new radio based dispatch system. This may impact staff and response times.
2. Stated that staff has discussed ways to speed up municipal infraction cases. Staff suggested the creation of a City fund to be used. Announced that a presentation will be given at a future work session.

#### **XII. ECONOMIC DEVELOPMENT UPDATE**

1. Attended a Business Retention and Expansion Seminar in Baltimore sponsored by the International Economic Development Council. Stated that the City of Gaithersburg is unlike any other city of its size in regards to developmental projects and the level of investment.
2. Met with Chris King, Community Manager at Archstone Apartments. Stated that over 400 people have moved into Olde Towne Gaithersburg.

#### **XIII. FROM THE CITY ATTORNEY / OTHER STAFF**

##### **City Attorney Board**

1. Stated that staff is following the Koons vs. Saint John's River Water Management District case that deals with real property rights. Stated that staff will participate on a teleconference call and look at the City's policy and procedures as they apply to the City's permitting and land use regulations. Council Member Drzyzgula asked for more information on the fee in lieu program.

##### **Intergovernmental Affairs Coordinator Sanchez**

Stated that staff will be seeking guidance on the Maryland Municipal League's (MML) Legislative Action Request (LAR) to finalize the State Legislative priorities.

1. The first topic was the full restoration of Highway User Revenue (HUR). The request would seek to fully fund HUR in a one-time grant. The Transportation Infrastructure Act in 2013 included funds for various overdue transportation projects including the Watkins Mill Road Interchange. No new funds were identified.
2. The second topic was for the protection of the City's Speed Camera program. Stated that the City would be able to comply with the proposed changes made at the last session.
3. The third topic was the posting of legal notices on websites.



Several Council Members concurred on the City taking the lead on the Ethics topic and have as many jurisdictions involved as possible. It was suggested to not have HUR as a LAR and to have the speed camera topic, the legal notice topic and Ethics topic be the City's LARs. The City Council's consensus was to focus on ethics and the proposed required disclosures.

**XIV. CORRESPONDENCE**

- A. [From Staff](#)
- B. [From Outside](#)

**XV. [DEPARTMENTAL MONTHLY REPORTS](#)**

- A. May 2013

**XVI. [ADJOURNMENT](#)**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 8:50 p.m.